

January 7, 2019

West Des Moines City Council Proceedings
Monday, January 7, 2019

Mayor Steven K. Gaer opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, in the Council Chambers of the West Des Moines City Hall on Monday, January 7, 2019 at 5:30 PM. Council members present were: R. Hardman, J. Sandager, K. Trevillyan, and R. Trimble.

City Clerk Ryan Jacobson noted there has been a change to Item 7(b) Small Cell Broadband Infrastructure Ordinance, as some of the ordinance language has been revised.

On Item 1. Agenda. It was moved by Trimble, second by Hardman approve the agenda as amended.

Vote 19-003: Hardman, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 2. Public Forum: No one came forward.

On Item 3. Council/Manager/Other Entities Reports: No reports.

Council member Mickelson arrived at 5:31 p.m. The attendance was re-taken. Council members present were: R. Hardman, J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble.

On Item 4. Consent Agenda.

It was moved by Trimble, second by Hardman to approve the consent agenda as presented.

- a. Approval of Minutes of December 26, 2018 and January 2, 2019 Meetings
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. F & K Hagar, L.L.C. d/b/a Manhattan Grill, 1960 Grand Avenue, Suites 29-31 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 - 2. Boggs Properties, LLC d/b/a Sully's Irish Pub, 860 1st Street - Class LC Liquor License Extension of Outdoor Service - March 17, 2019
- d. Approval of Contract - Transportation Services for ESL Students
- e. Approval of Agreements:
 - 1. Holiday Park Baseball Complex Turf and Field Maintenance Services
 - 2. Provision of Youth Baseball Services
 - 3. Concession Agreement - Holiday Park Baseball Complex
 - 4. Chartered Bus Services
- f. Approval of Amendment No. 1 to Professional Services Agreement - West Des Moines Broadband and Coordination Project

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- g. Approval and/or Ratification of Specific Fees and Charges - Parks and Recreation Department
- h. Order Construction - West Public Services Facility - Site Development (Phase 2)
- i. Accept Work - Coachlight Drive (South Jordan Creek Parkway to South 81st Street) and South 77th Street (Coachlight Drive to Mills Civic Parkway)
- j. Establish Just Compensation and Approve Acquisition of Property:
 - 1. Grand Avenue Reconstruction, 1st Street to 4th Street
 - 2. City Entrance Enhancements, Level 1
- k. Establish Public Hearing Regarding the Final Design, Site Selection and Consideration of Acquiring Agricultural Property:
 - 1. South Grand Prairie Parkway, Stagecoach Drive to Mills Civic Parkway
 - 2. Grand Avenue, South Jordan Creek Parkway to South 88th Street
- l. Approval of Amendment to Economic Development Assistance Contract - Project Osmium

Vote 19-004: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(a) Wirtz PUD, 815 South 51st Street - Amend Planned Unit Development (PUD) for PUD Parcel C to Change Land Use Designation and Zoning from Office to Support Commercial, initiated by Steak N Shake Iowa, LLC

It was moved by Trevillyan, second by Hardman to consider the second reading of the ordinance.

Vote 19-005: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Hardman to approve the second reading of the ordinance.

Vote 19-006: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Trevillyan, second by Hardman to waive the third reading and adopt the ordinance in final form.

Vote 19-007: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider Acceptance of Bid for the Sale of Real Property (locally known as 8086 South Orilla Road, Norwalk, Iowa), initiated by the City of West Des Moines (Continued from December 26, 2018).

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He asked for the date the notice was published and the City Clerk indicated the notice was published on December 6, 2018 in the Des Moines Register and December 13, 2018 in the N. Warren Town and County News. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trevillyan, second by Trimble to adopt Resolution - Accept Bid for Sale of Real Property.

Vote 19-008: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider Raccoon River Basin Segment 5 Sewer, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on December 28, 2018 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble, second by Trevillyan to adopt Resolution - Approval of Acquisition of Agricultural Property.

Vote 19-009: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(a) Bridgewood Square Plat 1, northwest corner of Bridgewood Boulevard and Jordan Creek Parkway - Subdivide Property into Three Lots for Commercial Development, initiated by Bridgewood Square, LLC

It was moved by Trimble, second by Hardman to adopt Resolution - Acceptance of Public Improvements and Approval and Release of Final Plat, subject to the applicant complying with all applicable City Code requirements.

Vote 19-010: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(b) Amendment to City Code - Title 7 (Public Ways and Property), Chapter 2 (Communications Systems within Public Right of Way) - Add Article A "Installation and Operation of Small Cell Broadband Infrastructure", initiated by the City of West Des Moines

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City Attorney Dick Scieszinski reported the Federal Communications Commission (FCC) has issued a declaratory ruling that all communication companies shall be treated equally by cities when installing small cell infrastructure. Also, if a City did not have an ordinance in place regulating small cell infrastructure prior to January 14, 2019, then it would no longer be able to adopt such an ordinance.

Mayor Gaer stated once the ordinance is in place, the City can come back and make changes to it if necessary.

City Attorney Scieszinski noted one of the changes made to the ordinance prior to tonight's meeting is that small cell infrastructure shall not be located on traffic signals, as the Public Services Department was not comfortable with their traffic signals being used for other purposes.

Mayor Gaer suggested that staff send this ordinance to a council subcommittee for a complete review to determine if any further changes are needed.

It was moved by Trevillyan, second by Hardman to consider the first reading of the ordinance.

Vote 19-011: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Hardman to approve the first reading of the ordinance.

Vote 19-012: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Trevillyan, second by Trimble, in accordance with Rule 36 of the City Council Procedural Rules to waive the second and third readings of the ordinance.

Vote 19-013: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Trevillyan, second by Hardman to adopt the ordinance in final form.

Vote 19-014: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 8 - Receive, File and/or Refer: no items

On Item 9 - Other Matters: none

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The meeting was adjourned at 5:41 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor